

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc. No. M- 34571 of 2016(O&M)

Date of Decision: February 22 , 2018.

Pawan and others PETITIONER(s)

Versus

State of Haryana and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ravi Sharma, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Suresh Sharma, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.626 dated 24.07.2016 under Sections 34/506 IPC and Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Thaneshar, District Kurukshetra and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that the abovesaid FIR was registered at the instance of respondent No.2 (father of the alleged victim) due to certain misunderstandings between the parties. However, with the intervention of respectables of the society, the matter has been amicably resolved, the terms of which were reduced into writing on 21.09.2016 (Annexure P2). It is submitted that the alleged victim in this case has since attained majority on 08.02.2018, her

date of birth being 08.02.2000. It is further submitted that the alleged victim has also recorded her statement in respect to the settlement before the learned Additional Sessions Judge, Kurukshetra. It is thus prayed that this petition be allowed.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is further affirmed that the victim in this case i.e., the daughter of respondent No.2 has attained majority. It is submitted that all misunderstandings between the parties have been removed. In order to maintain peace and harmony and to give quietus to the matter, respondent No.2 as well as his daughter (the alleged victim) do not wish to continue with the proceedings arising out of the abovementioned FIR. They have no objection to the quashing of the abovesaid FIR against the petitioners.

This Court on 10.05.2017 directed the parties to appear before learned trial court for recording their statements in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 10.05.2017, the parties appeared before the learned Additional Sessions Judge, Kurukshetra and their statements were recorded on 22.05.2017. The complainant/respondent No.2 specifically stated

that the matter has been amicably resolved out of his own free will without any threat, undue influence, pressure or coercion from any quarter. Compromise in original was produced as Ex.C1. It is stated that the matter has been amicably resolved with the intervention of respectables of the area and relatives of both the parties. All the accused have apologized for any infraction/perceived infraction on their part. Respondent No.2 specifically stated that he has no objection in case the abovesaid FIR against the accused petitioners is quashed. Statement of the alleged victim i.e., daughter of the complainant was recorded as well to the same effect. It is specifically stated that the subsequent conduct of the petitioners was found to be genuine and she does not wish to pursue the matter any longer and has no objection to the quashing of the aforementioned FIR against the petitioners. Joint statement of the petitioners in respect to the settlement was recorded as well.

As per report dated 24.05.2017 received from the learned Additional Sessions Judge, Kurukshetra, satisfaction is expressed that the compromise between the parties is genuine, arrived at out of their free will without any pressure, undue influence or coercion from any quarter. None of the petitioners are reported to be proclaimed offenders. Statements of the parties are appended alongwith the said report.

Learned counsel for the State, on instructions from ASI Subhash Chander, has not raised any serious objection to the quashing of the FIR in question as well as all consequential proceedings on the basis of a settlement arrived at between the parties.

In *Kulwinder Singh and others versus State of Punjab and another*

2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.626 dated 24.07.2016 under Sections 34/506 IPC and Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Thaneshar, District Kurukshetra alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

February 22 , 2018.
'om'

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No